

## SECTION 400: FINAL SUBDIVISION APPLICATIONS

### **Section 401—Intent:**

It is the intent of this Ordinance that a Final Subdivision Application decision is a administrative action by the Council, acting as a Land Use Authority. Any actions by the Council related to a Final Subdivision Applications shall be accompanied with findings of fact.

The Council shall consider information provided by the town staff, including information provided by other service providers, and address any requirements applicable to a Preliminary Subdivision Application approval by the Council.

The Council shall identify and address all items applicable to a Final Subdivision Application prior to approving, approving with requirements, or denying the Final Subdivision Application.

### **Section 402—Final Subdivision Application – Council identified as Land Use Authority – Town Staff Recommendation Required:**

1. The Council for Final Subdivision Applications is hereby identified as the Land Use Authority for Final Subdivision Applications.
2. Prior to the Council considering a Final Subdivision Application, the Town Planner shall transmit a recommendation to the Council for consideration. The review procedures for the consideration of a Final Subdivision Application are identified in Figure 4.

### **Section 403—Requirements for Final Subdivision Applications:**

All Final Subdivision Applications, filed in the Office of the Town Planner, shall provide the following information:

1. **Application Form.** A Final Subdivision Application Form completed and signed by the owner(s) of the Subject Property, as identified on the property assessment rolls of Utah County, or authorized agent of the owner(s), of the Subject Property. If the Application Form is signed by an agent of the owner(s), the Application Form shall be accompanied by an affidavit identifying the agent as being duly authorized to represent the owner(s) in all matters related to the Final Subdivision Application. All persons with a fee interest in the Subject Property shall be required to join in and sign the Final Subdivision Application.
2. **Final Subdivision Application Fees.** The Final Subdivision Application shall include the payment of all Final Subdivision Application fees, as established the Council, and any total amount, or deposit amount, required to provide the services of

the Town Engineer, as provided and required by Section 403 herein, or engineering inspection services.

3. **Legal Description.** A complete and accurate legal description for the entire Subject Property.
4. **Final Subdivision Plat.** A Final Subdivision Plat shall be prepared by a licensed land surveyor, as required by the Act, and drawn at a scale of not less than one inch equals one-hundred feet (1" = 100'), or as recommended by the Town Engineer, and in a form acceptable to the Utah County Recorder for recordation. The Final Subdivision Plat shall be prepared in pen on mylar and all sheets shall be numbered. All required certificates shall appear on a single sheet (along with the index and vicinity maps). One (1) original mylar copy of the Final Plat and two (2) original copies of the Final Subdivision Design and Construction Plans shall be included with the Final Subdivision Application and a minimum of ten (10) 11inch x 17 inch size and two (2) 24 inch x 36 inch paper copies shall be included and accompany the Final Subdivision Application Form. A digital copy of the Final Subdivision Plat, in a format acceptable to the Town's Geographic Information System standards by the Town Engineer, shall also be provided. The Final Subdivision Plat shall contain the same information as required by Section 302 herein, and shall include any revisions or additions, as required by the Commission or Council, as part of the Preliminary Subdivision Application approval, as applicable. The Final Subdivision Plat shall show the following:
  - a. Notation of any self-imposed restrictions, including proposed restrictive covenants, signed by all owners of interest, and bearing the acknowledgment of a public notary, and all other restrictions as required by the Commission or Council, as applicable.
  - b. A survey of the perimeter of the Subject Property and all parcels, units, lots and blocks created, accurate in scale, dimension and bearing, and giving the location of and ties to the nearest survey monument. Bearings shall be shown to the nearest second; lengths to the nearest hundredth (100<sup>th</sup>) foot; areas to the nearest hundredth (100<sup>th</sup>) acre. All parcels, units, lots, or blocks created shall be numbered consecutively. All lands within the boundaries of the Final Subdivision Plat shall be accounted for as lots, roads, streets, alleys, walkways, or as excepted parcels. Excepted parcels shall be marked as "Not Included in the Subdivision" and the boundary of such parcels indicated by distances and bearings.
  - c. Endorsement of every person having a security interest in the Subject Property subordinating their liens to all covenants, servitudes, and easements imposed on the property.
  - d. The location of all monuments erected, corners, and other points established in the field. The material of which the monuments, corners, or other points are made shall be noted.

- e. All existing and proposed street names shall be shown and the street address and coordinate address of all parcels, units, or lots, created shall be shown, as required by the addressing system of the Town.
- f. Every existing right-of-way and easement grant of record for underground facilities, as defined by Section 54-8a-2 of the Code, and for all other utility facilities, and all proposed rights-of-way and easement grants of record for utility facilities.
- g. The location of any common space or open space areas including the location of all property set aside for public or private reservation, with the designation of the purpose of such set asides, and conditions, if any, of the dedication or reservation.
- h. The name and address of the licensed surveyor responsible for preparing the Final Subdivision Plat.
  - i. The surveyor making the Final Plat shall certify that the surveyor:
    - (i) Holds a License in accordance with Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act;
    - (ii) Has completed a survey of the property described on the Final Plat in accordance with Section 17-23-17 of the Code and has verified all measurements; and
    - (iii) Has placed monuments as represented on the Final Plat.
- i. Located at the top-center and lower-right of the Final Subdivision Plat, the name of the subdivision, as approved by the Utah County Recorder's Office. The basis of bearings used, graphic and written scale, true north point, township, range, section, and quarter section, block, lot number, and total are of the Subject Property shall be shown.
- j. A title block, placed on the lower right hand corner of the Final Subdivision Plat showing:
  - i. The Approved name of the subdivision, as approved by the Utah County Recorder.
  - ii. Date of preparation of the Final Subdivision Plat.
  - iii. Signature blocks for the dated signatures of the Planning Commission Chair, Mayor, Town Engineer, Town Fire Marshall, and Town Attorney.

5. **Other Required Final Subdivision Application Information and Materials.** The following information is required and shall be provided on separate sheets at the same scale as the Final Subdivision Plat:

- a. All documents establishing any required agreements, guarantees, or any bonds and the payment of any required guarantees or bonds.
  - b. Owner's Dedications. The owner's certificate of dedication(s) including a legal description of the Subject Property boundaries and the dedication of all public ways or spaces. This certificate shall be signed, dated, and notarized. The owner's certificate shall include a reference to any covenants that may be declared and blanks where the Utah County Recorder may enter the book and page number of their recording.
  - c. Required Federal, State, and Local Permits. Whenever a Federal, State, or Local department or agency has authority or jurisdiction, all necessary approvals, permits, and licenses, as required, shall be provided by such Federal, State, and Local departments and agencies and shall be required and included with the Final Subdivision Application.
  - d. Covenants and Restrictions. Copies of all protective covenants, conditions and restriction (CC&R's), trust agreements, home owner's association articles and bylaws, and all other required documents, including those required by the Commission or Council, as applicable, governing the future use of property, infrastructure, utility and service systems, re-subdivision, and other provisions required to maintain the integrity of the subdivision.
6. **Final Construction Drawings.** Final design and construction drawings for all proposed, or required public improvements, prepared by a licensed civil engineer, and as required by the "Vineyard Town Development Standards and Design Specifications" and the Town Engineer, including, but not limited to, all culinary water facilities, all sanitary sewer facilities, all storm drainage and flood control facilities, bridges and culverts, the profiles and cross sections of all proposed roads and streets, all secondary water facilities, all fire hydrants and fire protection and suppression facilities, all electrical power facilities, all telecommunications facilities, all street lights, all street trees and other landscape plantings identifying the location and type of all street trees, shrubs and other landscape materials and plantings, and all other provided and required public facilities and improvements.
  7. **Improvement Construction Costs.** Estimated construction costs of all proposed, or required public improvements, prepared by a licensed civil engineer, and as required by the "Vineyard Town Development Standards and Design Specifications" and the Town Engineer.
  8. **Final Grading and Drainage Plan.** For all Subject Property of one (1) acre or larger a Final Grading Plan shall be provided indicated by solid-line contours, using two (2) foot intervals, imposed on dashed line contours, also using two (2) foot intervals, of the existing topography for the entire Subject Property. For Subject Properties that have predominately-level topography one (1) foot contour intervals may be required by the Town Engineer.

9. **Final Erosion Control Plan.** When required by the Town Engineer, a Final Erosion Control Plan shall be provided and included with the Final Subdivision Application.
10. **Title Report.** If the Final Subdivision Application is filed in the Office of the Town Planner after one hundred eighty (180) calendar days from the date the Preliminary Subdivision Application is approved, or if any changes or corrections have been made to the Title of the Subject Property since the Preliminary Subdivision Application was filed in the Office of the Town Planner, a Title Report for the Subject Property, provided by a Title Company, no older than thirty (30) calendar days from the date of filing the Final Subdivision Application shall be provided.
11. **Tax Clearance.** A tax clearance from the Utah County Treasurer shall be provided as part of the Final Subdivision Application. The Council may withhold an otherwise valid Final Plat approval until the owner of the Subject Property provides the Council with a tax clearance indicating that all taxes, interest, and penalties owing on the Subject Property have been paid.
12. **Additional information and Materials.** When the town staff, commission, or council deem necessary, the applicant may be required to provide other information, materials, letters of feasibility, conduct studies, and provide other evidence indicating the suitability of the subject property for the proposed subdivision, including, but not limited to, compliance with the town's transportation plan(s) including access management plans, adequacy of utilities, public safety and fire protection, ground water protection, plant cover maintenance, geologic or flood hazard, erosion control, wildlife habitat, and any other infrastructure, physical, environmental, or cultural matters.

**Section 404—Common Area Parcels on a Plat - No Separate Ownership – Ownership interest equally divided among other parcels on plat and included in description of other parcels:**

1. As provided and required by the Act, a parcel designated as common area on a plat recorded in compliance with this Ordinance may not be separately owned or conveyed independent of the other parcels created by the plat.
2. The ownership interest in a parcel described in Subsection (1) shall:
  - a. For purposes of assessment, be divided equally among all parcels created by the plat, unless a different division of interest for assessment purposes is indicated on the plat or an accompanying recorded document; and
  - b. Be considered to be included in the description of each instrument describing a parcel on the plat by its identifying plat number, even if the common area interest is not explicitly stated in the instrument.

### **Section 405—Dedication of Streets and Other Public Places:**

1. Plats, when made, acknowledged, and recorded according to the procedures specified by this Ordinance, operate as a dedication of all streets and other public places, and vest the fee of those parcels of land with the Town for the public for the uses named or intended in those plats.
2. The dedication established by this section does not impose liability upon the Town for streets and other public places that are dedicated in this manner but are unimproved.

### **Section 406—Final Plat Engineering Review Fees:**

The Applicant(s) for Final Subdivision Application approval shall pay all costs that may be incurred by the Town for the provision of Town Engineering services necessary to review the Final Subdivision Application materials, for conformity to the requirements of this Ordinance, other applicable Town Ordinances, other applicable Local, State, and Federal requirements, and accepted civil engineering practice.

### **Section 407—Planner to Determine a Complete Final Subdivision Application:**

Prior to the consideration of the Final Subdivision Application by the Town Staff or Council, the Planner shall determine and find that the Final Subdivision Application is complete and contains all application materials as required herein. (See Figure 1)

### **Section 408—Lack of Final Subdivision Application Information-A Determination of an Incomplete Application:**

The lack of any information required for a Final Subdivision Application, as required by this Ordinance, shall be cause for the Planner to find the Final Subdivision Application incomplete.

A Planner determination of an incomplete Final Subdivision Application shall prohibit the Town Staff or Commission from considering any material, items or other information related to the proposed subdivision. The Planner shall notify the Applicant(s), in writing, of the required information lacking from the Final Subdivision Application. The Planner shall allow thirty (30) calendar days, from the date of notification of an incomplete Final Subdivision Application, for the Applicant(s) to provide the required information to the Town. If the Final Subdivision Application remains incomplete after a maximum of thirty (30) days from date of notification, the Planner shall return the entire incomplete Final Subdivision Application to the Applicant(s), accompanied by any Final Subdivision Application fees paid.

## **Section 409—Appeal of a Decision of the Planner:**

Any person(s) aggrieved by a decision of the Planner of a Determination of Application Completeness may appeal the Planner's decision to the Council.

## **Section 410—Final Subdivision Review Procedures:**

The Council is identified and authorized as the Land Use Authority for Final Subdivision Applications, assuring compliance with all applicable requirements of this Ordinance. The review procedures of the Town for the consideration of a Final Subdivision Application are identified in Figure 2.

### **1. Determination of a Complete Application.**

A determination of a complete Final Subdivision Application shall be made by the Planner as identified in Figure 1 and Section 404 and 405. If incomplete as to the requirements set forth in this ordinance, the submittal will be rejected and returned to the applicant for revision and resubmittal.

**2. Council Review.** Following the receipt of a staff report, the Council shall consider a Final Subdivision Application. The Council shall consider a Final Subdivision Application at a scheduled Council meeting.

- a. Following the consideration of the Final Subdivision Application, and all information and materials presented, including the recommendation of Town Staff, the Council may approve the Final Subdivision Application, as presented, approve the Final Subdivision Application with requirements, or deny the Final Subdivision Application with findings of compliance or non-compliance with this Ordinance, and other Land Use Ordinances and requirements, as applicable.
- b. The Council may require onsite and offsite improvements, facilities and amenities, provided one hundred percent (100%) by the Applicant for Final Subdivision Application approval, such improvements, facilities and amenities being determined consistent with the requirements herein, and found necessary by the Council to protect the health, safety, and welfare of anticipated residents of the subdivision, or the existing residents or businesses of the Town, including but not limited to:
  - i. Road and street improvements, including layout, design, grading and surfacing.
  - ii. Flood control facilities.
  - iii. Culinary Water facilities.
  - iv. Sanitary Sewer facilities.
  - v. Storm Drainage facilities.
  - vi. Land Drainage facilities.
  - vii. Erosion Control facilities.
  - viii. Traffic Circulation and Access Management facilities.
  - ix. Lot and/or Site drainage.

- x. Park and open space areas and facilities.
- xi. Fire protection and suppression facilities, including fire hydrants, fire access, and water storage facilities.
- xii. Electrical power and telecommunications facilities.
- xiii. Fencing and buffering treatments.
- xiv. Street lighting facilities; and
- xv. Streetscape enhancements including street trees and park strip improvements.

**3. Concurrent Review.** An applicant may request a concurrent submission of a preliminary and final plat for non-residential (i.e. commercial and industrial) subdivisions so long as they contain all the information that would be required by these regulations. The town council shall receive a recommendation from the planning commission prior to review of the submittal.

**4. Acknowledgement and Necessary Signatures Required.** The owner of the Subject Property shall acknowledge the Final Plat before the Council authorized to take the acknowledgement of conveyances of real estate and shall obtain the signature of the Mayor, acting on behalf of the Council, and authorized to take the acknowledgement of conveyances of real estate on behalf of the Town, and the Town Attorney.

**5. Dedications and Grants of Easements.** When the Applicant is proposing, or is required, to provide dedications for any public or quasi-public infrastructure, utilities, or improvements, as applicable, the owner or operator of the infrastructure, utilities, improvements, and underground and utility facilities shall approve the: (i) boundary, course, dimensions, and intended use of the right-of-way and easement grants of record; (ii) location of existing underground and utility facilities; and (iii) conditions or restrictions governing the location of the facilities within the right-of-way, and easement grants of records, and utility facilities within the subdivision. Such approval shall be provided in writing by the owner or operator of the infrastructure, utilities, improvements, and underground and utility facilities, as applicable. When land within the subdivision is to be purchased by a public or quasi-public agency, a letter of intention to purchase shall be provided.

**6. Recordation of Final Subdivision Plat and all Subdivision Documents.**

After a Final Subdivision Application has been approved, with or without requirements, and signed by all Town Officials and services providers, the Final Subdivision Plat shall be provided to the Town Recorder, for presentation by the Town Recorder, or designee, to the Office of the Utah County Recorder for recordation. After the Final Subdivision Plat has been recorded, the Applicant(s) may apply for permits required for the construction and installation of subdivision improvements and building permits consistent with the approved and recorded Final Subdivision Plat and the Town requirements for such permits. The Applicant is required to pay all fees, including copies, for the recording of all Final Subdivision documents and the Final Subdivision Plat.



### **Section 411—Effect of Approval, with or without requirements, of Final Subdivision Application and Effective Period:**

After the Final Plat has been acknowledged, certified, and approved by the Council, this shall constitute final approval of the subdivision by the Town, after which the owner of the Subject Property shall, within one (1) year of the date of approval of the Final Plat, record the Final Plat in the Office of the Utah County Recorder. The Applicant shall pay all fees, including copies, for the recording of the Final Plat and all Final Subdivision documents.

The Applicant shall provide one (1) 24 inch x 36 inch copy and two (2) 11 inch x 17 inch copies of the recorded Final Plat and one (1) copy of any additional Final Subdivision documents to the Town Planner for inclusion in the files of the Town. A digital copy of the recorded Final Subdivision Plat, in a format acceptable to the Town's Geographic Information System standards by the Town Engineer, shall also be provided.

After the Final Plat has been recorded, the Applicant(s) may apply for permits required for the construction and installation of subdivision improvements and building permits consistent with the approved and recorded Final Plat and the Town requirements for such permits.

As provided by the Act, the continuing validity of a Final Subdivision Application approval is conditioned upon the Applicant proceeding after approval to implement the approval with reasonable diligence. For the purposes of this Section, and this requirement, the approval of a Final Subdivision Application shall be effective for a period of one (1) year from the date of approval, at the end of which time the Applicant shall have presented the Final Plat for recording in the Office of the Utah County Recorder. If the Final Plat is not recorded within one (1) year, the Final Subdivision Application shall be rendered void, and the Applicant shall be required to submit a new Preliminary Subdivision Application, subject to the requirements of this Ordinance and other Land Use Ordinances and requirements in effect at the time an application is filed.

### **Section 412—Site Preparation Work Prohibited:**

No excavation, grading or re-grading shall take place on any Subject Property, and no building permits shall be issued by the Town, until the Final Subdivision Plat has been approved and the Final Plat has been recorded in the Office of the Utah County Recorder, as provided herein.

### **Section 413—Appeal of Final Subdivision Application Decisions:**

Any person(s) aggrieved by a decision of the Council concerning a Final Subdivision Application may appeal the decision to District Court, as provided by Chapter 26 of the Vineyard Town Zoning Ordinance.

*Section 400 amended - Ordinance #2009-06 - Effective 8.12.09*

**FIGURE 4**  
**FINAL SUBDIVISION APPLICATION**  
**REVIEW PROCEDURES**

